

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

FREE CONFERENCE COMMITTEE ON HOUSE BILL 606

Call to Order: By **CHAIRMAN MIKE WHEAT**, on April 15, 2005 at 9:09 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Mike Wheat, Chairman (D)
Rep. Gail Gutsche, Chairman (D)
Rep. Mike Jopek (D)
Rep. Jim Peterson (R)
Rep. John (Jack) W. Ross (R)
Sen. Jim Shockley (R)
Sen. Ken Toole (D)

Members Excused: None.

Members Absent: None.

Staff Present: Krista Lee Evans, Legislative Branch
Mari Prewett, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: None.
Executive Action: HB 606

FREE CONFERENCE COMMITTEE ON HB 606

SEN. WHEAT called the Free Conference Committee to order. He then turned the meeting over to **REP. GUTSCHE** so she could explain the amendments. The amendments were passed out to the Committee and are attached as Exhibit 1.

EXHIBIT (frs81sb0606a01)

Motion: **REP. GUTSCHE** moved that **AMENDMENT NO. HB060604.AKL** be adopted.

REP. GUTSCHE explained that these are amendments that go along well with the Senate's amendments which took out "operating permits". She went on to say that the little mines would no longer need to obtain an operating permit but they would have to get approval for the design, construction, operation and reclamation of the impoundment and post a performance bond before they would be allowed to construct the impoundment. **REP. GUTSCHE** continued, saying that the amendments she had proposed would take from 1 year to 6 months the amount of time the mine would be allowed to post the performance bond. She added that the reason for that was it was a less onerous process that could be done more quickly than applying for and obtaining a permit. She continued, explaining that the bill did not have an effective date so she wanted to add an immediate effective date. She concluded stating that was what the amendments would do.

Vote: Motion that **AMENDMENT NO. HB060604.AKL BE ADOPTED** carried unanimously by the Senate and the House.

Motion: **REP. GUTSCHE** moved a **CONCEPTUAL AMENDMENT** to strike "and covered by the operating permit" on Page 3, Line 28, and insert on Line 29 following (15)(a)(ii) "and is subject to the provisions of this subsection (8)."

Krista Lee Evans explained the conceptual amendment for clarification purposes.

SEN. WHEAT stated what the amendment was doing was taking out any mention of an operating permit, but was making reference back to the design, construction, operating and reclamation of the impoundment.

SEN. SHOCKLEY asked if the five acres was the five acre mill site that was provided for in the Federal Statutes. **SEN. WHEAT** explained, if it went beyond five acres it would not fall under

the jurisdiction of this bill and the person would have to go through the application process for an operating permit.

SEN. SHOCKLEY asked if the five acres was where they were going to dump the waste material, not necessarily where the mine would be located. **REP. GUTSCHE** responded that what the subsection was saying, was that the five acres would include where they mined the ore along with where it would be processed.

REP. PETERSON explained that they were not dealing with the mine site, they were dealing with the processing site, the impoundment of the waste material.

SEN. WHEAT stated that was correct, with the Lode Star, the mine site was several miles from the processing location.

SEN. SHOCKLEY asked if the disposal site was limited to five acres and the mine location would be limited to another five acres. **REP. GUTSCHE** replied that she believed they were talking about a total of five acres.

SEN. SHOCKLEY then asked if the five acres had to be contiguous.

SEN. WHEAT responded that they did not.

Ms. Evans explained they could have up to two sites with five acres each.

SEN. WHEAT responded, that with the Lode Star Mine, the mine was located on federal land, so it would not be subject to SB 606. He went on to say that the processing site would be.

REP. GUTSCHE stated under the small miner law they would have to have an operation that was limited to five acres or less or they would be subject to the full permitting procedure.

The Committee then discussed sapphire mines and the like and whether or not they would be subject to HB 606. It was determined that they would be exempt under the provisions of HB 606.

Vote: Motion to adopt the **CONCEPTUAL AMENDMENT** to strike "and covered by the operating permit" on Page 3, Line 28, and insert on Line 29 following (15)(a)(ii) "and is subject to the provisions of this subsection (8)." carried unanimously by the House and the Senate.

Motion/Vote: **SEN. SHOCKLEY** moved to accept HB606 AS AMENDED. Motion carried unanimously by the House and the Senate.

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ADJOURNMENT

Adjournment: 9:18 A.M.

SEN. MIKE WHEAT, Chairman

MARI PREWETT, Secretary

MW/mp

Additional Exhibits:

EXHIBIT ([frs81sb0606aad0.PDF](#))